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RHMFIUU/39ABG INCIRLIK AB TU IMMEDIATE
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RUEKJCS/JOINT STAFF WASHDC//J-3/J-5// IMMEDIATE
RUEILB/NCTC WASHINGTON DC IMMEDIATE
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UNCLAS SECTION 01 OF 02 ANKARA 000144

SENSITIVE
SIPDIS

DEPARTMENT FOR DRL/ILCSR AND EUR/SE

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TAGS: [PGOV](#) [ELAB](#) [TU](#)
SUBJECT: LABOR UNION HEAD COUNT "POSTPONED"

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¶1. (U) Summary. Turkey's Labor and Social Security Ministry was supposed to announce on January 17 the number of union members compiled by the Social Security Institution. The Ministry did not do so, however, and the ruling Justice and Development Party (AKP) submitted a draft law to postpone the announcement to 2011. The official number is important for the unions since it determines whether they will retain their authority to conduct collective bargaining. Some speculate that the AKP's postponement is a move to pressure unions not to oppose draft legislation on Private Employment Offices. End summary.

¶2. (U) In July 2009 the government issued Law Number 5838, which amended Article 12 of Law 2822, on "Collective Labor Agreement, Strike and Lock Out." The amendment tasked the Social Security Institution with informing the Labor Ministry about the actual number of union members, and filing a report with the numbers on January 17, 2010. The Ministry of Labor and Social Security was expected to announce the numbers on that date, but did not. On January 22 the press speculated that AKP Vice Chairman Salih Kapusuz had presented a draft law to parliament to amend the reporting date for the union numbers to as late as December 31, 2011. On January 25 AKP Parliamentary Group Vice Chairman Bekir Bozdag confirmed that there was a plan to amend the law's reporting date.

¶3. (U) The issue of accurate reporting of union membership has been a focus of union confederations for some time. According to the current Labor Unions Law, for a union to sign collective labor agreement in one work sector, it has to have enough members to represent more than 10 percent of the workers in that work branch. (Note: The government says there are 28 "work branches," such as "office workers" or "municipal workers." End note). Since the unions know they stand to lose their rights to collective bargaining if the accurate number is revealed, they never deleted the dead, retired or resigned members from their rolls, to keep their membership numbers inflated. The number of unionized workers is reported to be around 3.2 million, but experts think that it is actually closer to 750,000.

¶4. (U) Turkey is required to have an actual head count of union membership as a requirement of the EU accession process. In order

to prevent a loss of unionization in the event of a head count because of the 10 percent threshold, the last labor minister invited the labor confederations to discuss a new Labor Unions Law that possibly would have lowered or eliminated the threshold. None of the confederations accepted the minister's invitation. The current minister recently instructed a group of academics to prepare a revised Unions Law draft. The text has not yet been revealed, but the press and some labor confederations are speculating that the minister's draft foresees a one percent threshold, and removal of the requirement that union membership be registered by a notary public. When the rumors started circulating, the confederations began to criticize the draft even without seeing it, saying the minister should comply with EU and ILO norms and that even a one percent threshold is still against universal standards.

15. (U) The media is interpreting the GOT's withholding of the actual numbers as a "bribe" to unions because the delay coincides with the introduction of other draft legislation that will need union support to pass. The new legislation, which was recently passed to the Plans and Budget Committee in Parliament to be drafted, will allow the formation of private employment offices. The previous draft law for private employment offices was opposed by unions and vetoed by the President. Private employment offices in Turkey are only allowed to operate like employment agencies -- that is, they refer people seeking employment to companies that are seeking to fill permanent vacancies. The employment offices cannot employ workers or provide them benefits, while sending them on temporary contracts to fill staffing gaps like a traditional American "temp company."

16. (U) Unions opposed the draft law primarily because they believed such workers would not have the right to get severance payments or to unionize, collectively bargain or strike. The Confederation of Revolutionary Trade Unions of Turkey (DISK) was particularly opposed

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to the law because it said it was in conflict with EU regulations and ILO Convention No. 181, both of which provide rules for temporary employment offices and rights and assurances for temporary workers and workers employed through private employment offices. (Note: Turkey has not ratified Convention 181 yet. End note.)

17. (SBU) Comment. If the announcement of the actual union numbers is postponed for two years, the postponement will favor existing unions and confederations because their membership will officially remain at inflated levels. If the GOT succeeds in convincing organized labor to support its draft legislation to allow temp companies to provide benefits to workers, the result should be a more flexible work force. While this appears for the moment to be a win-win situation, the reality remains depressingly low membership in unions. As Turkey's EU Accession process lopes along, we suspect union membership numbers will be given a second look once the reporting date is officially announced.